

Claims 1-22 of the subject application are provisionally rejected under 35 U.S.C. §101 as being unpatentable over claims 1-22 of copending U.S. Application No. 10/007,853 on the grounds that claims 1-22 of the subject application claim the same invention as claims 1-22 of the '853 application. This rejection should be withdrawn because claims 1-22 of the subject application do not claim the same invention as claims 1-22 of the '853 application.

Claim 1 of the subject application recites in (d) forming the regeneration inlet stream from at least a portion of the desorption effluent stream, while claim 1 of the '853 application recites in (d) forming the regeneration inlet stream from not only at least a portion of the desorption effluent stream but also a second portion of the regeneration effluent stream. The test for same invention is "whether one of the claims being compared could be literally infringed without literally infringing the other. If it could be, the claims cannot define identically the same invention." In re Vogel, 164 U.S.P.Q. 619, 622 (CCPA, 1970). In this case, if the regeneration inlet stream is not formed from a second portion of the regeneration effluent stream, then claim 1 of the subject application could be literally infringed without literally infringing claim 1 of the '853 application, which requires that the regeneration inlet stream be formed from a second portion of the regeneration effluent stream. Therefore, claim 1 of the subject application does not claim the same invention as claim 1 of the '853 application. Accordingly, it is believed that claim 1 of the subject application meets the requirements of 35 U.S.C. §101 and that the rejection of claim 1 of the subject application under 35 U.S.C. §101 should be withdrawn. The rejection of claims 2-15 of the subject application under 35 U.S.C. §101 should be withdrawn for the reason given in support of claim 1 of the subject application, because they are dependent on claim 1 of the subject application.


Claim 16 of the subject application recites in (e) forming the regeneration inlet stream from at least a portion of the desorption effluent stream, while claim 16 of the '853 application recites in (e) forming the regeneration inlet stream from not only at least a portion of the desorption effluent stream but also a second portion of the regeneration effluent stream. If the regeneration inlet stream is not formed from a second portion of the regeneration effluent stream, then claim 16 of the subject application could be literally infringed without literally infringing claim 16 of the '853 application, which requires that the regeneration inlet stream be formed from a second portion of the regeneration effluent stream. Therefore, claim 16 of the subject application does not claim the same invention as claim 16 of the '853 application. Accordingly, it is believed that claim 16 meets the requirements of 35 U.S.C. §101 and that the rejection of claim 16 of the subject application under 35 U.S.C. §101 should be withdrawn. The rejection of claims 17-22 of the subject application under 35 U.S.C. §101 should be withdrawn for the reason given in support of claim 16 of the subject application, because they are dependent on claim 1 of the subject application.

Claims 1-22 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,965,473 (Sechrist). Claim 1 recites a process comprising contacting a regeneration inlet stream with a catalyst in (a) and contacting a desorption inlet stream with an adsorbent in (c). Sechrist teaches a process in which a regenerant gas contacts catalyst in a catalyst bed in order to regenerate that catalyst and in which the contacting removes chloro-species from the catalyst. Col. 2, lines 1-8, col. 11, line 24 to col. 12, line 59, and col. 20, line 66 to col. 21, line 42. But Sechrist does not teach or suggest a process that comprises both contacting a regeneration inlet stream with a catalyst *and* contacting a desorption inlet stream with an adsorbent. In fact, Sechrist teaches away from using an adsorbent that is separate from the catalyst. Col. 2, line 19 to col. 3, line 18. Therefore, Sechrist does not motivate a person of ordinary skill in the art to contact an adsorbent with a desorption inlet stream. Accordingly, it is believed that claim 1 meets the requirements of 35 U.S.C. §103(a) and that the rejection of claim 1 under 35 U.S.C. §103(a) as being unpatentable over Sechrist should be withdrawn. The rejection of claims 2-15 under 35 U.S.C. §103(a) as being unpatentable over Sechrist should be withdrawn for the reasons given in support of claim 1 since they are dependent on claim 1. Claim 16 recites a process comprising passing a regeneration inlet stream to a catalyst bed containing a catalyst in (b) and passing a desorption inlet stream to a desorption zone containing an adsorbent in (d). The rejection of claims 16 under 35 U.S.C. §103(a) as being unpatentable over Sechrist should be withdrawn for the reasons given in support of claim 1. The rejection of claims 17-22 under 35 U.S.C. §103(a) as being unpatentable over Sechrist should be withdrawn for the reasons given in support of claim 16 since they are dependent on claim 16.

In view of the foregoing remarks, favorable reconsideration of the subject application is respectfully requested.

Respectfully submitted,

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